

AB:TAW

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

18 - 1139 M

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UNITED STATES OF AMERICA

PRE-ARRAIGNMENT
COMPLAINT

- against -

(T. 21, U.S.C., §§ 952(a) and 960(a)(1))

JOSE MIGUEL ACOSTA DE LA ROSA,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

MICHAEL YUN, being duly sworn, deposes and states that he is a Special Agent with the United States Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigations (“HSI”).

Upon information and belief, on or about November 21, 2018, within the Eastern District of New York, the defendant JOSE MIGUEL ACOSTA DE LA ROSA did knowingly and intentionally import a controlled substance into the United States from a place outside thereof, which offense involved a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 952(a) and 960(a)(1))

The source of your deponent’s information and the grounds for his belief are as follows:¹

¹ Because the purpose of this complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. On or about November 21, 2018, the defendant JOSE MIGUEL ACOSTA DE LA ROSA arrived at John F. Kennedy International Airport (“JFK”) in Queens, New York, aboard JetBlue flight number 1010 from Santo Domingo, Dominican Republic.


2. Upon his arrival, the defendant JOSE MIGUEL ACOSTA DE LA ROSA was selected for an enforcement examination by United States Customs and Border Protection (“CBP”) officers. A CBP officer conducted a search of the defendant’s baggage, which was negative. During the inspection, JOSE MIGUEL ACOSTA DE LA ROSA appeared extremely nervous. For examples, he was trembling, his hands were shaking and he licked his lips continuously.

3. The defendant JOSE MIGUEL ACOSTA DE LA ROSA was presented with an x-ray consent form, which he read, appeared to understand and signed. The defendant was transported to the medical facility at JFK where an x-ray examination was conducted and revealed the presence of foreign bodies inside the defendant’s abdomen area. The defendant also admitted to a medical professional that he had swallowed foreign objects.

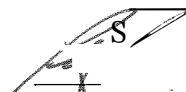
4. As of the date and time of the filing of this complaint, the defendant JOSE MIGUEL ACOSTA DE LA ROSA has passed approximately 37 pellets. One of the pellets was probed and found to contain a substance that field-tested positive for cocaine.

5. The defendant JOSE MIGUEL ACOSTA DE LA ROSA will be detained at the JFK medical facility until such time as he has passed all the pellets contained within his intestinal tract.

WHEREFORE, your deponent respectfully requests that the defendant JOSE MIGUEL ACOSTA DE LA ROSA be dealt with according to law.


MICHAEL YUN
Special Agent
U.S. Department of Homeland Security,
Homeland Security Investigations

Sworn to before me this
Nov 23 2018

 Peggy Kuo

THE HONORABLE PEGGY KUO
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK